

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



FISCAL MEMORANDUM

HB 1843 – SB 2065

March 1, 2016

SUMMARY OF ORIGINAL BILL: Increases, from \$40.00 to \$47.50, the ignition interlock fee imposed upon conviction for the offense of driving under the influence (DUI).

FISCAL IMPACT OF ORIGINAL BILL:

Increase Local Revenue – Exceeds \$112,500

SUMMARY OF AMENDMENT (012996): Deletes all language of the original bill. Requires a judge to order the use of an ignition interlock device unless the judge finds reasoning not to order such use, as opposed to the judge exercising discretion under Tenn. Code Ann. § 55-10-409 to find reason to require an individual to use an ignition interlock device. Establishes penalties for unauthorized tampering or removal of an ignition interlock device.

FISCAL IMPACT OF BILL WITH PROPOSED AMENDMENT:

Increase State Expenditures – \$5,600/One-Time/General Fund
\$66,000/Recurring/General Fund
Exceeds \$73,600/Recurring/Ignition Interlock Fund

Assumptions for the bill as amended:

- Rates for ignition interlock devices vary by provider, but the Department of Safety (DOS) sets maximum rates that may be charged. The maximum rates are \$150 for installation, \$100 for monthly monitoring, and \$75 for removal. It is assumed that the cost to install, monitor, and remove an ignition interlock will be the same as the maximum rates set by DOS.
- Based on 2010 through 2014 DUI statistics, there will be at least 15,000 DUI convictions each year.
- Based on information provided by DOS, approximately 25 percent of all offenders convicted of DUI are required to use an interlock device.
- The provisions of the bill as amended will result in an unknown increase in ignition interlock devices being required each year. It is reasonably assumed the amount of

ignition interlock devices will at least double under the provisions of the bill as amended.

- The bill as amended will also result in an unknown increase of offenders required to use an ignition interlock device being deemed indigent. The monies from the Ignition Interlock Fund are used to pay interlock device expenses for offenders deemed indigent.
- Based on information provided by the Department of Treasury, the FY14-15 payout from the Ignition Interlock Fund (IIF) totaled \$73,575 for indigent offenders.
- It is reasonably assumed the provisions of the bill as amended, will at a minimum, double the annual payout of the Ignition Interlock Fund. Therefore, the recurring increase in state expenditures from the IIF is estimated to exceed \$73,575.
- Any change in the time period that an ignition interlock device is required is at the judge's discretion and cannot be reasonably determined.
- Any impact on the number of individuals found in violation of the requirements associated with using an ignition interlock device and any associated probation or incarceration costs are estimated to be not significant.
- Based on information provided by DOS, the increase of usage for interlock devices will require one additional Administrative Services Assistant 3 position to monitor and certify offender compliance. A one-time increase in state expenditures for this position is estimated to be \$5,600. The recurring increase in state expenditures for the new position is estimated to be \$65,968 (\$48,438 salary + \$17,530 benefits).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Krista M. Lee, Executive Director

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